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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LEO DURDEN,

9 Plaintiff,

10 v.

11 GEICO ADVANTAGE INSURANCE
12 COMPANY,

13 Defendant.

14 C17-651 TSZ

15 MINUTE ORDER

16 The following Minute Order is made by direction of the Court, the Honorable
17 Thomas S. Zilly, United States District Judge:

18 (1) Defendant's motion for protective order, docket no. 10, is STRICKEN in
19 part as moot and DENIED in part without prejudice.

20 (a) Defendant seeks a protective order precluding plaintiff from
21 deposing Rory W. Leid, III or any other member of Cole | Wathen | Leid | Hall,
22 P.C. Plaintiff has indicated that he has "no present intent" to depose defendant's
23 attorneys, see Pla.'s Resp. at 7 (docket no. 13), and thus, the related portion of
24 defendant's motion is stricken as moot.

25 (b) Defendant asks for a protective order declaring all communications
26 between it and its attorneys privileged and precluding discovery of defendant's
27 claim file (or some portion thereof) and its attorneys' litigation file. Before filing
28 the motion for protective order, defendant's counsel did not engage in a good faith
29 effort to confer; emails proposing a stipulation and threatening to file a motion if it
30 is not signed, see Ex. 11 to Holsman Decl. (docket no. 12-11), do not constitute a
31 conference under Local Civil Rule 37(a)(1). Moreover, as evidenced by materials
32 attached to defendant's attorney's declaration, defendant's claim file contains

1 documents that would not be protected by either attorney-client or work-product
2 privilege, for example, police reports, witness statements, and correspondence
3 with the opposing party, and the Court cannot rule on defendant's motion in the
absence of a proper privilege log. The balance of defendant's motion is therefore
denied without prejudice.

4 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

5 Dated this 25th day of October, 2017.

6
7 William M. McCool
Clerk

8 s/Karen Dews
9 Deputy Clerk